

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 GOLDEN GATE AVENUE • SAN FRANCISCO, CALIFORNIA 94102**



CALIFORNIA RISK ASSESSMENT PILOT PROJECT

***REQUEST FOR APPLICATIONS
&
APPLICATION INSTRUCTIONS***

APPLICATION DUE DATE: October 1, 2010

Pilots will be selected in October 2010.

SUBMISSION INSTRUCTIONS:

All applications must include a signed cooperative agreement (as described in section 6.2) and must be submitted by the above application due date both electronically and via United States postal mail. Mail an original hard copy plus two additional copies to:

Shelley Curran
Manager, Community Corrections Program
Administrative Office of the Courts
Bay Area Northern/Coastal Regional Office
455 Golden Gate Avenue
San Francisco, California 94102-3688

Electronic copies must be sent to: communitycorrections@jud.ca.gov

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REQUEST FOR APPLICATIONS

1. Introduction

The California Risk Assessment Pilot Project (RAPP) is sponsored jointly by the Administrative Office of the Courts (AOC) and the Chief Probation Officers of California (CPOC). RAPP is one of three projects in the AOC's Community Corrections Program. The purpose of the RAPP is to coordinate the operation and evaluation of pilot projects in several California counties **to explore ways in which criminal offender risk assessment information can be successfully used in adult sentencing and violation of probation proceedings to reduce offender recidivism and improve offender accountability.**

2. Background

The RAPP will build upon recent and on-going national and state sentencing reform activities to research and demonstrate one of the most promising developments in state sentencing and corrections reform—the use of actuarial risk/needs assessment information in state sentencing decision-making.

Perhaps the most important reform in state sentencing and corrections practice taking place today is the incorporation of principles of evidence-based practice (EBP) into state sentencing and corrections policy and practice.¹ The conventional wisdom during most of the past 30 years has been that “nothing works” to reduce offender recidivism. As a result in large part of that belief, offender recidivism rates have risen today to unprecedented levels, and state corrections expenditures have been the fastest growing item in state budgets over the past twenty years.

Yet, over at least the past ten years there has emerged a voluminous body of rigorous research proving that certain research-based approaches to corrections can indeed effectively change the behaviors of many offenders and significantly reduce offender recidivism rates. From this underlying and growing body of research, researchers and corrections practitioners have recently distilled several basic principles of EBP, or “principles of effective intervention,” to reduce the risk of offender recidivism. Most recently, state judiciaries have also turned to “evidence-based sentencing” (EBS), the application of principles of EBP to state sentencing practice, to revitalize earlier state

¹ For a more detailed discussion of this topic and the other background information referenced here, see Roger K. Warren, “Evidence-Based Sentencing: the Application of Evidence-Based Practice to State Sentencing Practice and Policy,” 43 *University of San Francisco Law Review* (Winter 2009); Roger K. Warren, “The Most Promising Way Forward: Incorporating Evidence-Based Practice into State Sentencing and Corrections Policies,” 20 *Federal Sentencing Reporter* 322 (June 2008); Roger K. Warren, *Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries* (2007), available at <http://www.nicic.org/Library/023358>.

judicial efforts to reduce recidivism such as drug, domestic violence, and mental health courts.

The research supporting the most basic principles of EBP demonstrates quite conclusively, first, that successful recidivism reduction strategies must focus on the dynamic risk factors, or “criminogenic needs” (those offender characteristics proven to be statistically associated with the likelihood of further criminality) of medium and high risk offenders. Second, the most successful interventions with such offenders rely on cognitive behavioral approaches based on social learning theory and utilize a graduated array of swift, certain, and proportionate sanctions, incentives, and services to mould new offender behaviors.

The research has also demonstrated that actuarial risk assessment instruments are much more accurate than even the best clinical judgment in determining offender risk. In addition, unlike second generation risk assessment instruments that rely solely on static risk factors, third and fourth generation risk/needs instruments provide an actuarial assessment of the dynamic risk factors, or criminogenic needs, upon which any recidivism reduction effort must focus. It is therefore essential to the success of any recidivism reduction strategy that a validated actuarial risk/needs assessment instrument be used in determining an individual offender’s risk level and criminogenic needs.

As a result, a variety of proprietary and non-proprietary risk/needs assessment tools are now increasingly used by juvenile and adult probation, parole, and other corrections agencies in support of recidivism reduction and successful re-entry strategies. Unfortunately, however, although there are over 15,000 state courts in the United States, only a small handful of state judges and courts have any experience in using risk/needs assessment information in sentencing offenders or responding to violations of probation.

Use of accurate risk and needs assessment information is critical in making evidence-based judicial determinations of many important recurring sentencing issues, including:

- The offender’s suitability for diversion;
- The most appropriate conditions of probation to be imposed;
- The offender’s amenability to treatment;
- The most appropriate treatment or level of supervision to be imposed;
- The most appropriate sanction or behavioral control mechanism to be imposed;
- The kind of sanction, incentive, or additional services to be imposed upon a violation of probation; and

- Whether and when to revoke probation.²

A 2006 survey of state chief justices conducted by the National Center for State Courts (NCSC) found that promoting public safety and reducing recidivism through expanded use of EBP, programs that work, and offender risk and needs assessment tools was one of the court leaders' two most important sentencing reform objectives.³

As part of the Pew Center on the States' Public Safety Performance Project, and with additional funding from the State Justice Institute, the NCSC subsequently joined with the National Judicial College and Crime and Justice Institute to develop live and on-line versions of a model national judicial education curriculum on EBS.⁴ The NCSC has also conducted education programs for judges and other criminal justice professionals in over twenty states. In January 2009, the NCSC created a National Working Group (NWG) on Using Risk and Needs Assessment Information at Sentencing to develop a set of guidelines, informed by research and practice, to help courts and probation effectively use risk and needs assessment information in sentencing decisions. The RAPP will provide valuable research and experience to inform the work of the NWG.

3. Planning and Coordinating Committees

In October 2008, the Judicial Council of California sponsored a two-day Summit of Judicial Leaders on Sentencing, Community Corrections, and Evidence-Based Practice (Summit). One of the specific topics of discussion at the Summit was the use of risk assessment information at sentencing. The RAPP planning committee was formed after the Summit to plan the RAPP project.

The RAPP planning committee consisted of six judicial appointees and five chief probation officers designated by CPOC, and was chaired by Justice Tricia A. Bigelow, Associate Justice of the California Court of Appeal for the Second District. Retired Superior Court judge Roger K. Warren, the AOC's Scholar-in-Residence, served as lead staff to the RAPP planning committee.

The RAPP planning committee decided that a total of six California jurisdictions from among applications submitted jointly by superior courts and county probation departments would be selected to participate in the project. Napa, San Francisco, and Santa Cruz were selected as the first three RAPP counties. The participating jurisdictions are selected on the basis of their demonstrated willingness, commitment, and capacity to implement use of actuarial risk assessment tools to reduce offender recidivism through the strategies described above.

² See, opinion of Indiana Supreme Court in *Malenchik v. Indiana*, No. 79S02-0908-CR-365 (June 9, 2010).

³ The other top priority was the development, funding, and utilization of community-based alternatives to incarceration for appropriate offenders. See, Tracy W. Peters & Roger K. Warren, National Center for State Courts, *Getting Smarter About Sentencing: NCSC's Sentencing Reform Survey 10-11* (2006).

⁴ The curricula are accessible through NCSC website at <http://www.ncsconline.org/csi/>.

The RAPP planning committee was dissolved in September 2009. A new Community Corrections Coordinating Committee will assume oversight and coordination responsibilities for all RAPP project operations. The Community Corrections Coordinating Committee will convene in Fall 2010.

4. Purpose

The goal of the RAPP is to demonstrate the effective use by California courts and probation agencies of actuarial risk/needs screening and assessment tools in reducing recidivism among 18 to 25 year old offenders. Principles of EBS and EBP prescribe the use of actuarial risk/needs assessment tools to reduce offender recidivism and improve offender accountability through the following strategies in the treatment and sanctioning of criminal offenders:

- Targeting of medium and high risk offenders for more intensive supervision and treatment services;
- Imposition of conditions of probation that target identified offender criminogenic needs (dynamic risk factors) for effective intervention;
- Development of appropriate probation case management and offender supervision strategies.
- Use of a graduated system of incentives and sanctions to promote offender compliance and respond to offender non-compliance with conditions of probation.

5. Project Overview

5.1 Eligibility

All California superior courts and probation departments are eligible. All applications must be submitted jointly by superior courts and county probation departments. A single, county-wide application is required.

5.2 Pilot Sites

A total of 6 pilot sites will be selected. Optimal diversity in location, size, region, availability of resources, and urban/rural settings is desired. Ideally, pilot sites will include one small, one medium, and one large county from northern and southern California.

For purposes of this RFA, the size of the applicant county is to be determined as follows:

Small:	population up to 200,000
Medium:	population of 200,000 to 1,000,000
Large:	population over 1,000,000

5.3 *Project Duration and Phased Implementation*

The RAPP commenced operations in May 2009 and will conclude in September 2012, unless extended. Pilot site operations will be conducted in two phases. The first three pilots, Napa, San Francisco, and Santa Cruz have begun operations. The final three sites that will be selected in October 2010 must initiate pilot site operations by no later than March 1, 2011. All pilot site operations must continue without interruption until at least December 31, 2012. All applications must be received by the deadlines described in section 9.

5.4 *Project Design and Target Population*

The project targets male and female offenders between the ages of 18 to 25 who are residents of the pilot county, convicted of a felony offense, and placed on formal probation in the pilot county. Members of the target population remain members of the target population until they are discharged from probation, establish a residence outside the pilot county, or upon conclusion of the project, whichever occurs first.

5.5 *Project Management Teams, Training and Technical Assistance*

Project Management Teams

Each pilot site will be required to assemble a pilot site project management team (PMT). The PMT may include a judge, court manager, probation officer, probation administrative manager, district attorney representative, criminal defense representative, and treatment provider representative. The PMT must appoint a manager to handle the day to day operations of the project. Additionally, the team must appoint a primary contact person for the court.

Project management training will be made available to both the project manager and primary court contact. This training will be augmented by additional PMT training sessions as necessary, by email, telephone, or in person meeting.

Training and Technical Assistance

Training and technical assistance (TA) will be provided to the pilot sites in two primary areas: (1) proper use by courts and probation departments of EBP, EBS, and risk assessment tools to reduce recidivism, and (2) the identification, collection, verification, analysis, and reporting of process and outcome data for the purpose of evaluating project performance.

Trainings focused on EBP/EBS will be provided to all county justice partners. The first mandatory training on EBP/EBS will be held on Thursday and Friday, December 2 and 3 in San Francisco. Leading national experts in the field will serve as faculty. We expect that court, probation, prosecution, and defense representatives from each of the pilot counties will attend these trainings.

TA will initially be provided during a visit to each site shortly after pilot site selection with additional on-site TA provided as needed. Off-site TA will be available to each pilot site through email or conference call. In addition, off-site peer-to-peer assistance may be

arranged between and among project participants through email, listservs, and conference calls.

The Community Corrections Program staff will, to the extent necessary: (1) coordinate PMT training sessions; (2) assist the pilot sites in launching their pilot site activities, (3) provide relevant education and training on the use of EBP and risk assessment tools by courts and probation departments to reduce recidivism, (4) provide training and technical assistance on data collection and verification, and (5) provide opportunities for information and idea exchange among participating PMTs.

5.6 *Project Reports*

The AOC's Office of Court Research will publish project reports every six months commencing in June 2011, with a final project report to be published by September 2012. Project reports will include interim reports of process and outcome data describing the relative success of the six pilot sites in achieving project objectives. The final report will contain follow-up data of 12-24 months for participating offenders in the six participating sites.

6. Pilot Site Requirements

6.1 *Operational Costs*

Participating courts and probation departments must be responsible for their own respective operational costs in providing project services to participating offenders, including the administration of risk and needs assessments; preparation of pre-sentence reports; submission of selected risk assessment information to the courts; conduct of sentencing, post-sentencing, and probation violation and revocation proceedings; preparation of appropriate case management plans and supervision strategies; classification and supervision of offenders; provision of incentives and rewards; imposition of sanctions; provision of appropriate counseling, treatment, and other human services to offenders; and identification, collection, and verification of project-related data.

The Community Corrections Program staff will coordinate pilot project site management training and oversee and coordinate the management of project operations in the six participating sites, support the proper use of risk assessment information to achieve project objectives, provide for the proper collection and analysis of relevant data to determine the success of the project in achieving project objectives, and provide the training and TA services described in section 5.5 above.

6.2 *Signed Cooperative Agreement*

All applications must include a cooperative agreement that states a collective commitment to the project for the entire project period signed by each of the following: the Chief Probation Officer, Presiding Judge, Court Executive Officer, and a representative of the County Executive Office or Board of Supervisors. If the pilot site will require any outside contractor(s) not provided by the Community Corrections Program to assist the pilot site in implementing pilot activities, those contractors must

also agree to be bound by the cooperative agreement and to provide services according to its terms.

6.3 *Current Operationalization of EBP*

Applicants must demonstrate significant experience and progress in the operationalization of EBP in the following areas:

a. Use of a Validated Risk Assessment Tool

Applicants should demonstrate current use by probation of a validated risk assessment tool for adult probationers for a minimum of six months. Ideally, applicants will demonstrate use by probation of risk assessment information in offender classification and case planning for at least three months or at a minimum, provide current plans to do so. Validation in the specific pilot county is not required. The following risk assessment tools are preferred but not required: NCCD-CAIS, LSI-R, LS/CMI, ROPE, and COMPAS.

b. Probation/Judiciary Coordination

Applicants must demonstrate that the courts are committed to the use of risk/needs assessment information in sentencing and violation of probation proceedings involving participating felony offenders, and to close cooperation with the probation department in carrying out all project activities. At minimum, pilot sites should demonstrate that preliminary planning on the use of assessment information in sentencing proceedings has taken place.

6.4 *Research Design*

The project will utilize an historical, quasi-experimental research design that compares process and outcome data regarding the target population with process and outcome data regarding a comparable cohort of 18 to 25 year old offenders who were residents of the pilot county, convicted of a felony offense, and placed on formal probation in the pilot county during a recent period of time preceding the start up of pilot site operations (the “comparison group.”) Outcome data will require that the pilot sites capture specific data as outlined in 6.5.

Process data will be collected through a combination of interviews and surveys that will be developed by the AOC Office of Court Research. Surveying will be conducted twice in a two year period and will be administered to all justice partners engaged in the project.

All pilot sites will be required to implement the historical, quasi-experimental research design described above. Pilot sites need not include the county’s entire target population in the project. However, if applicants do not include the county’s entire target population in the project (e.g., by including only some courts, locations, caseloads, or portions of the county’s total target population) they must specify the portion of the population to be included and the proposed comparison group to be utilized, and discuss how representative the portion of the population to be included is of the county’s total target population.

Upon request, the AOC's Office of Court Research is available to consult with potential applicants on research design issues.

6.5 Data Collection

Pilot sites must be able to collect case-specific data including but not limited to: offender age, offense, criminal history, sentencing, recidivism, probation supervision, probation violation, and probation revocation for all members of the target population and comparison group. Pilot sites will submit a data file to AOC's Office of Court Research containing specified data elements. The ability to also provide jail data to examine any impact of pilot site operations on imposition or length of jail time is preferable. Although courts' ability to collect relevant data elements will be considered in the selection process, the AOC's Office of Court Research will be prepared to assist pilot sites in acquiring the ability to collect essential data through limited provision of TA.

Participating probation departments must be able to collect case-specific data in a variety of areas to meet research design requirements. Participating probation departments must be able to document the differentiated probation practices applied to the target population but not to the comparison group, including, for example, differences in probation supervision strategies, treatment services, workload standards, pre-sentence reports, and response to violations of probation.

Participating probation departments should also be able to track foreseeable implementation costs, including, for example:

- Time studies or estimates of changes in probation officer workload resulting from the conduct of risk/needs assessments or provision of different levels of offender supervision.
- Estimates of costs, including costs associated with changes in number or type of violations, revocations, or court hearings.

The ability of participating probation departments to record deviations from the use of risk assessment tools and information—as when a bench officer declines to use risk assessment information or a probation officer or judge overrides the actuarial assessment, e.g., in recommending or imposing probation conditions—is preferable.

Pilot sites will be expected to submit quarterly progress reports with aggregate data in the areas of:

1. Number of risk/needs assessments completed;
2. Number of sentencing decisions in which risk/needs information was used;
3. Number of new cases placed under formal probation supervision in which risk/needs information was used;

4. Number of pilot program cases under probation supervision; and
5. Number of pilot program cases in which probation was revoked.

In addition, the quarterly reports will include a narrative description of changes in the project and changes in the pilot project environment, including changes to key staff, rules and procedures, and justice system partners. Community Corrections Program staff will schedule informal project check-ins between reports and serve as an ad hoc resource to solve problems and answer questions about the pilot program and evaluation component.

6.5.1 Baseline Historical Data

Pilot sites must also be able to collect baseline historical data to control for changes in (a) the numbers or types of defendants who enter the system, (b) the numbers or types of defendants who are granted or not granted probation, and (c) the law or policy that might result in artifacts that must be controlled for statistically.

6.5.2 Preliminary List of Individual Offender Data

All of the data elements necessary for project evaluation have yet to be identified. The following *preliminary* list of data on individual offenders to be collected by pilot sites is provided for the benefit of those jurisdictions interested in participating in the project:

- The offender's gender, race, ethnicity, and age at the time of sentencing;
- The offender's criminal history;
- The number and type of new law violation arrests, convictions, and sentencing outcomes for up to three years after the offender's sentencing date;
- The number and type of technical violations of probation and resulting dispositions for up to three years after the sentencing date;
- The number of days in local custody/jail before and after sentencing, and as a result of new law violation arrests, convictions, and technical violations;
- The results of all risk/needs presentence assessments provided to the court, including:
 - The risk score or classification, and
 - The top 3 criminogenic need areas identified for intervention (services or controls);
- The primary sentencing terms and conditions recommended by probation and ordered by the court;
- The results of any and all reassessments while on probation, including:
 - The risk score or classification, and
 - The top 3 criminogenic need areas identified for intervention;

- Probation supervision level(s) and type(s) of supervision;
- Use of incentives and rewards by probation;
- The number of referrals to treatment services and the types of treatment services provided;
- The outcomes of offender participation in treatment services (completion status; length of time in treatment);
- The number and type of significant incentives awarded and sanctions imposed while under probation supervision;
- The number and reasons for court appearances while on probation; and
- Probation termination status, including “satisfactory completion,” “early termination,” “early termination against probation officer recommendation,” “unsatisfactory termination resulting in jail,” and “unsatisfactory termination resulting in prison.”

7. Project Evaluation

The goal of the project is to use actuarial risk of recidivism information in court and probation procedures to guide sentencing, probation, and probation violation decisions, facilitate case planning, reduce recidivism, and improve offender accountability.

7.1 Evaluation Questions

Evaluation questions will likely include whether the project resulted in the following:

- Reduced recidivism among participating offenders;
- Reduction in probation revocations among participating offenders;
- Reduction in prison commitments;
- Greater offender accountability for compliance with conditions of probation;
- More effective probation supervision strategies, including case planning, level of supervision, matching offenders to appropriate treatment, and use of graduated incentives and sanctions;
- More effective use of treatment, counseling, vocational, employment, educational, or other offender services;
- More comprehensive, standardized, and focused probation reports;
- Consensus among judges and other decision-makers that risk assessment tools make a significant positive contribution to their decision-making processes;
- Increases or decreases in processing times;
- Excessive overrides of the actuarial assessments;
- Increase or decrease in jail utilization;

- Increase or decrease of violations; and
- More or less serious violations and violation offenses.

7.2 Evaluation Questions Regarding Justice System Partners

The project will also require a process evaluation to explore important questions regarding the implementation process and the responses of all justice system partners involved. The process evaluation will likely address the following questions regarding justice system partners:

- How successful were the planners at gaining the buy-in and cooperation of other justice system partners?
- When judges departed from recommendations, what were their reasons for doing so?
- What training was provided to participants regarding the risk/needs information?
- What information was provided to judges, when in the process was it provided, and how (in what form) was it provided?
- What questions did judges have at start-up regarding the process?
- What assistance was provided to judges during the pilot program?
- Were changes made to the presentation of the risk/needs information based on judicial feedback?
- Did the presentation of risk/needs information affect prosecutorial charging, diversion, plea bargaining, sentencing, or probation revocation practices?
- To what extent were defendants and their attorneys satisfied with the process?
- Was there a perceived impact on judicial discretion?
- How did agencies implement the process of conducting risk/needs assessments and scoring and packaging the results?
- Were there unintended consequences with regard to the use of the tools?
- Were resources in place in the community to match offenders to appropriate treatment based on their risk and needs?
- Were data from the risk/needs assessments used in planning community-based resources?
- How did probation units use the risk/needs information to guide their practice and planning for services?

8. Applicant Readiness

Applicants must demonstrate their organizational readiness to implement project activities using the criteria listed below. Not all readiness criteria, nor a particular combination, are required. Rather, pilot sites will be selected based on their *overall* existing and future capacity to successfully meet the project goals and research evaluation requirements.

Applicants should address all of the Pilot Site Requirements described in Section 6 above, including:

- Size and location of project site;
- Nature and size of the proposed target population;
- Nature and size of the proposed comparison group;
- Ability to collect case specific data, both for the target population and the comparison group;
- Breadth of training and experience in the use of the applicable risk/needs assessment tool;
- Availability of probation supervision and probation-related services, such as work furlough and electronic monitoring, sufficient to implement the pilot project;
- Commitment of bench officers to the project's purpose and goals;
- Cooperation and commitment of all justice partners, including prosecutors, defense bar, and sheriff;
- Strength and continuity of probation, court, and partner leadership;
- Information sharing capabilities;
- Willingness of probation and court personnel to participate in project-related training;
- Willingness of bench officers to participate in project-related judicial education;
- Consideration of use of early disposition courts in the pilot sites;
- Willingness and ability to use risk assessment information in the courtroom;
- Ability to capture or estimate project-related costs; and
- Ability to meet expected outcomes.

9. Deadlines, Submission Instructions, and Contact Information

All applications must include a signed cooperative agreement and must be submitted both electronically and via United States postal mail by **October 1, 2010**.

Pilots will be selected in October 2010.

Electronic copies must be sent to: communitycorrections@jud.ca.gov.

Mail an original hard copy plus two additional copies to:

Shelley Curran
Manager, Community Corrections Program
Administrative Office of the Courts
Bay Area/Northern Coastal Regional Office
455 Golden Gate Avenue
San Francisco, California 94102-3688

If you have any questions, please contact Shelley Curran at (415)865-4013.

10. Application Review

The Community Corrections Program staff will evaluate the applications and make final selections. The selections are not subject to further review. Applicants may be asked for clarification or additional information before or after decision on their applications. It is anticipated that applicants will be notified of the approval or denial of their applications within 30 days of the deadline for submission.